

REMARKS

The drawing is amended, per the attached, to overcome the noted informalities contained therein. A new Replacement Sheet of formal drawing is enclosed and incorporates all of the requested drawing amendments. If any further amendment to the drawings is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

The above amended paragraph [023] of the specification overcomes some informalities noted in the specification on file. The undersigned avers that the amended paragraph of the specification does not contain any new subject matter.

Claims 11-18 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Claims 11-14 and 18 are rejected, under 35 U.S.C. § 103, as being unpatentable in view of Eckstein '824 in view of Heel et al. '325 while claims 11-18 are rejected, under 35 U.S.C. § 103, as being unpatentable in view of Noyes '332 in view of Heel et al. '325. The Applicant acknowledges and respectfully traverses both of the raised obviousness rejections in view of the above amendments and the following remarks.

Eckstein et al. '824 relates to a high-speed driving adapter for a machine tool. The driving adapter has an incorporated sun-and-planet gear transmission and a cooling and lubrication medium supply device 37. This device is situated in the center of the drive shaft adjacent the planetary gearset. In the case of (unavoidable) leakage of the adapter for the machine tool, the cooling and the lubricating fluid will normally flow into and reach one or more components of the transmission. This is one of the disadvantages of this device while a further disadvantage is the fact that this device is built by assembly of numerous parts.

It is respectfully submitted that Eckstein et al. '824 fails to in any way teach, suggest or disclose the presently claimed, namely, a machine tool transmission in which at least one of force and torque is transmitted from an output shaft (3) of the transmission (1) directly to a spindle (15) via a sealed rotary feed-through (24), the spindle (15) having a cooling fluid passage . . . the sealed rotary feed-through (24) being located between the output shaft (3) and the spindle (15) and serves as a transfer device for facilitating flow of a cooling fluid between the transmission output shaft (3) and the spindle (15).

After studying the device shown in Heel et al. '325, the Applicant is of the opinion that the various elements cited by the Examiner (area of reference numbers 19 and 29) are, in fact, not gaskets. In particular, the Applicant respectfully submits that element 19 is a spring loaded compression ring for guiding the clamping jaws 10. Two shoulders 29a and 30a define the stroke between the ring 19 and a counter ring 29 (see column 5, lines 33 to 35). The object of this design is to exert a force on the clamping jaws.

Accordingly, It is respectfully submitted that the combination of Eckstein et al. '824 with Heel et al. '325 also fails to render obvious the presently claimed invention. As such, the raised rejection in view of this combination should be withdrawn at this time.

With respect to Noyes '332, this reference relates to valves for a pump and has nothing in common with a supply of cooling fluid for a machine tool, as with the presently claimed invention. In particular, Noyes '332 does not relate to a machine tool transmission in which the spindle (15) has a central cooling fluid passage therein and at least partially co-axially surrounds the output shaft (3) with the sealed rotary feed-through (24) located between the output shaft (3) and the spindle (15) and serves as a transfer device for facilitating flow of a cooling fluid between the transmission output shaft (3) and the spindle (15). Noyes '332 also lacks a first gasket (16), on an engine facing side and a second gasket (17), on a spindle facing side, as presently claimed. Therefore, it is respectfully submitted that this citation is not pertinent and, as such, does not in any way teach, suggest, disclose or hint at, to one skilled in the art, the inventive solution according to the presently claimed invention.

The Applicant acknowledges that the additional reference of Heel et al. '325 may arguably relate to the feature(s) indicated by the Examiner in the official action. Nevertheless,

the Applicant respectfully submits that the combination of the base reference of Noyes '332 with this additional art of Heel et al. '325 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims of this application now recite the features of "a machine tool transmission in which at least one of force and torque is transmitted from an output shaft (3) of the transmission (1) directly to a spindle (15) via a sealed rotary feed-through (24), the spindle (15) having a cooling fluid passage and co-axially surrounding one end of the output shaft (3), the sealed rotary feed-through (24) being located between the output shaft (3) and the spindle (15) and serving as a transfer device for facilitating flow of a cooling fluid between the transmission output shaft (3) and the spindle (15), the sealed rotary feed-through (24) including a first gasket (16), on an engine facing side of the sealed rotary feed-through, which faces an engine when the transmission is installed, and a second gasket (17), on a spindle facing side of the sealed rotary feed-through, which faces the spindle (15) when the machine tool transmission is installed, wherein the gasket (16), on the engine facing side of the sealed rotary feed-through (24), is connected via a tube (18) with the output shaft (3), and the gasket (17) on the spindle facing side of the sealed rotary feed-through (24) is directly located radially within one of the spindle (15) and a connection part." New independent claim 19 recites similar limitations. Such features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Eckstein et al. '824, Heel et al. '325 and/or Noyes '332 references, the Applicant respectfully

requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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Annotated Drawing



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